

II. AMENDMENT OF THE CLAIMS

COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN

The following claims constitute a complete list of claims that are or have been before the office after entrance of the amendments made herein. Amendments to the claims are indicated in accord with Revised 37 C.F.R. §1.121 (which while having an effective date of July 30, 2003 the USPTO is urging to be complied with at this time). In accord with such regulation, the listing of claims set forth below replaces all prior versions, and listings, of claims in the application:

**COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE
AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN FOLLOW NEXT
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1. (AMENDED) A method for preventing handheld wireless communication in a vehicle by an operator of said vehicle, said method comprising the steps of:

determining whether the velocity of the vehicle exceeds zero velocity (in any direction) and whether and for how long the operator's handheld wireless communication device is in operation; and

restricting the operator's use of a handheld wireless communication device if the velocity of the vehicle is greater than zero unless a pre-defined exceptional condition exists.

2. (AMENDED) The method according to claim 1, wherein the handheld wireless communication device comprises ~~is selected from the group consisting of:~~ a cellular phone; a PDA; and/or a mobile personal computer.

3. (AMENDED) The method according to claim 1, wherein the vehicle comprises ~~is selected from the group consisting of:~~ an automobile, a truck, a bus, a train, a tractor, a crane, a 2- or 3-wheel conveyance, a motorcycle, and/ or a floating device such as a boat, ~~or~~ a ship, and/ or an airplane; ~~;~~

4. (AMENDED) The method according to claim 1, wherein said step of determining the velocity of the vehicle includes sensing through a wireless means.

5. (AMENDED) The method according to claim 4, wherein said wireless means includes comprises:

a blue tooth means; and/or

an infrared means.

6. (AMENDED) The method according to claim 1, wherein the pre-defined exception condition ~~includes~~ comprises use of the handheld wireless communication device for emergency purposes.

7. (AMENDED) The method according to claim 6, wherein the emergency purpose is ~~defined as~~ comprised of a list of emergency designations.

8. (AMENDED) The method according to claim 7, wherein an emergency designation comprises ~~includes~~ an emergency telephone number.

9. (ORIGINAL) The method according to claim 8, wherein the emergency telephone numbers are pre-stored in one of:

a control system installed in the moving vehicle and configured to restrict the use of the handheld wireless communication device when a safety hazard exists; and

the handheld wireless communication device.

10. (AMENDED) The method according to claim 1, wherein the step of restricting the operator's use of a handheld wireless communication device comprises:

sending a control signal to where the operator of the moving vehicle as well as the handheld wireless communication device are located;

~~intercepting the control signal by~~ where the handheld wireless communication device may intercept said control signal; and which control signal may terminate terminating the operation of the handheld wireless communication device ~~by the handheld wireless communication device.~~

11. (AMENDED) The method according to claim 1, wherein the use of the handheld wireless communication device comprises ~~includes~~ at least one step of:

receiving incoming communication information; and/or

transmitting outgoing communication information.

12. (AMENDED) The method according to claim 11, wherein the communication information comprises ~~includes~~ at least one of:

voice;

data; and/or

messages.

13. (AMENDED) The method according to claim 1 ~~[[10]]~~, wherein the steps of terminating the handheld wireless communication device by the handheld wireless communication device the method ~~operation~~ comprises:

receiving information as to how long the handheld wireless communication device is in use while the vehicle is in motion;

informing the operator of the moving vehicle that the operation of the handheld wireless communication device may ~~is to~~ be automatically terminated after a pre-determined period of time; and

~~ending actually terminating~~ the operation of the handheld wireless communication device after the pre-determined period of time has run out.

14. (AMENDED) The method according to claim 13, further comprising the step of sending, ~~when there is~~ upon arrival of an incoming communication information arriving at the handheld wireless communication device, an outgoing message to the source of the incoming information indicating that the operator of the moving vehicle, the intended receiver of the incoming information, is not able to respond to the incoming information.

15. (AMENDED) A method for preventing an ~~prevention of use by the~~ operator of a moving vehicle to use a handheld wireless communication device, said method comprising the steps of:

receiving by the handheld wireless communication device, when it is turned on, a control signal for restricting the use of the handheld wireless communication device upon ascertaining use and duration of use of said device in a moving vehicle; and

restricting the operation of the handheld wireless communication device by the operator of the vehicle in accordance with the control signal after a pre-determined period of time.

16. (AMENDED) The method according to claim 15, wherein said receiving step comprises ~~includes~~ receiving said control signal through at least one of a wireless communication means and a wired means.

17. (AMENDED) The method according to claim 16, wherein the wireless communication means comprises ~~includes~~:

a blue tooth communication means; and or

an infrared communication means.

18. (ORIGINAL) The method according to claim 15, wherein the control signal is transmitted when use of the handheld wireless communication device by the operator of the vehicle is considered a potential safety hazard.

19. (AMENDED) The method according to claim 18, wherein the potential safety hazard is present when the current operating environment satisfies a condition wherein:

the handheld wireless communication device is turned on in the moving vehicle in a position in the vehicle associated with the operator of the vehicle; ~~and~~

the detected velocity and time span of the moving vehicle exceeds zero; and

the handheld wireless communication device is not attached to a hands-free communication device.

20. (ORIGINAL) The method according to claim 15, further comprising the steps of:

sensing whether the handheld wireless communication device is attached to a hands-free device;

sending the sensed state of the handheld wireless communication device to a control mechanism that generates the control signal.

21. (AMENDED) The method according to claim 15, wherein the handheld wireless communication device comprises ~~is selected from the group consisting of:~~ a cellular phone, a PDA, ~~and~~ or a mobile personal computer.

22. (ORIGINAL) The method according to claim 20, wherein the step of sending the sensed state of the handheld wireless communication device is through a wireless means.

23. (AMENDED) The method according to claim 22, wherein the wireless means comprises ~~includes~~:

~~the~~ a blue tooth communication means; and or

~~the~~ an infrared communication means.

24. (AMENDED) The method according to claim 15, wherein said step of restricting the operation of the handheld wireless communication device in accordance with the control signal is not performed if a pre-defined exception condition exists.

25. (AMENDED) The method according to claim 24, wherein said a pre-defined exception condition comprises ~~is selected from the group consisting of:~~ using the handheld wireless communication device for emergency purposes, and/or using the handheld wireless communication device in association with a hands-free device.

26. (AMENDED) The method according to claim 15, wherein the step of restricting the operation of the handheld wireless communication device further comprises:

informing the operator of the moving vehicle that operation of the handheld wireless communication device is to be automatically terminated after a pre-determined period of time; and

~~ending~~ terminating the operation of the handheld wireless communication device after said the pre-determined period of time.

27. (AMENDED) A control system in a vehicle, comprising:

a sensing means for detecting a velocity of the vehicle;

a control signal generating means for generating ~~when a velocity of the vehicle is detected~~ said control signal when a velocity of the vehicle is detected for a period of time, restricting the use of the handheld wireless communication device by the operator of the moving vehicle after a predetermined period of time has run out;

a transmitting means for transmitting the control signal to the handheld wireless communication device in an area within the vehicle where the operator of the vehicle and the handheld wireless communication device are ~~is~~ located without ~~effecting~~ affecting the use of handheld wireless communication devices at other locations in the vehicle.

28. (AMENDED) The system according to claim 27, wherein the sensing means comprises ~~includes~~ a wireless sensing means, which comprises ~~includes~~ one of a blue tooth means and/or an infrared means.

29. (AMENDED) The system according to claim 27, wherein the vehicle comprises ~~is selected from the group consisting of:~~ an automobile, a truck, a bus, a train, a tractor, a crane, a 2- or 3- wheel conveyance, or a floating device, such as a boat or ship or an airplane.

30. (AMENDED) The system according to claim 27, wherein the sensing means detects a velocity of the vehicle when a park mode of the vehicle is not selected or engaged and/or when a neutral mode of the vehicle is selected with brakes not fully applied engaged.

31. (AMENDMENT) The system according to claim 27, wherein the control signal restricting the use of the handheld wireless communication device by the operator of the moving vehicle does not restrict use of the handheld wireless communication device when the handheld wireless communication device is operationally ~~[[-]]~~ associated with a hands-free device, or the handheld wireless communication device is ~~being used to responding to~~ in an emergency.

32. (AMENDMENT) The system according to claim 27, wherein the control system in the vehicle is implemented as part of the computer programmed control system of the vehicle.

33. (AMENDMENT) The system according to claim 32, wherein the control system of ~~in~~ the vehicle is implemented as a stand-alone device which is installed within the vehicle and is in communication ~~communicates~~ with the computer control system of the vehicle.

34. (ORIGINAL) A method for a service provider providing wireless communication services to a user on a handheld wireless communication device, comprising the steps of:

forwarding communication signals from and to the handheld wireless communication device;

receiving information sent from the handheld wireless communication device, wherein the received information indicates a length of a period during which the user

uses the handheld wireless communication device while driving a moving vehicle by overriding a restriction on the use of the handheld wireless communication device issued based on a detected potentially safety hazardous condition; and

penalizing the user of the handheld wireless communication device based on the received information.

35. (AMENDMENT) The method according to claim 34, wherein the handheld wireless communication device comprises ~~is selected from the group consisting of:~~ a cellular phone, a PDA, and or a mobile personal computer.

36. (AMENDMENT) The method according to claim 34, wherein the vehicle comprises ~~is selected from the group consisting of:~~ an automobile, a truck, a bus, a train, a tractor, a crane, a 2-or 3-wheel conveyance, a motorcycle, or a floating device, such as a boat, a ~~or~~ ship or an airplane.

37. (AMENDMENT) The method according to claim 34, wherein the potentially safety hazardous condition comprises ~~includes~~ at least one of:

the handheld wireless communication device is turned on in the vehicle while the vehicle is moving at a certain velocity above zero; and

the handheld wireless communication device is turned on in the moving vehicle ~~while the vehicle is moving~~ and is not attached to a hands-free communication device.

38. (ORIGINAL) The method according to claim 34, wherein said step of penalizing is determined according to at least one of:

a service agreement between the service provider and the user; and

a government regulation.

39. (ORIGINAL) The method according to claim 34, wherein said step of penalizing includes:

imposing a higher rate of service charge for the length of the period during which the user overrides the restriction on the use of the handheld wireless communication device; and

reporting to an authority that the user has overridden a restriction on the use of the handheld wireless communication device while driving when a potentially safety hazardous condition is detected.